

**MEMO ENDORSED** COHEN, LaBARBERA & LANDRIGAN, LLP  
ATTORNEYS AT LAW

RONALD J. COHEN (NY BAR & LL.M. IN TAXATION)  
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\*(FAX SERVICE NOT ACCEPTED)

SUSAN M. YEOMAN (PARALEGAL SUPERVISOR)

EMAIL: UPON REQUEST

GREGORY J. BROSNAN (NY, NJ, CT BAR & LL.M. IN TAX)  
AARON C. FITCH (NY BAR)  
JULIANNA O'GRADY (NY BAR)  
JOSHUA A. SCERBO (NY & NJ BAR)  
STUART THALBLUM (NY - IL - CA BAR - OF COUNSEL)

December 1, 2014

**VIA FAX ONLY TO 914-390-4179**

Hon. Nelson S. Román, U.S.D.J.

United States District Court for the Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601

*Pre-motion  
Conference scheduled  
for Dec. 19, 2014 at  
11:45 am. Any and  
all applications for a stay are Denied.  
Dated: Dec. 10, 2014*

Re: In re: YITSCHAK GOLDSTEIN, Debtor. Case No. 13-37651 (Chapter 13)  
Hon. Cecelia G. Morris, Chief Judge

KJ ACRES LLC v. YITSCHAK GOLDSTEIN,  
Town of Monroe Justice Court Case No. 13100051,  
USDC SDNY Case No. 14 CV 4479 (the "Summary Proceeding")

**SO ORDERED:**

YITSCHAK GOLDSTEIN v. ABRAHAM JOSEPH, et al,  
Supreme Court of Orange County  
Index No. 9597/2013  
USDC SDNY Case No. 14 CV 4480 (the "Supreme Court Action")

HON. NELSON S. ROMÁN  
UNITED STATES DISTRICT JUDGE

YITSCHAK GOLDSTEIN v. ABRAHAM JOSEPH, et al  
USDC SDNY Case No. 14 CV 4477 (the "Federal Court Action")

Your Honor:

Pursuant to the Court's instructions, Mr. Goldstein was served by first class mail with the Owners' Motion in the Summary Proceeding and the Supreme Court Action on November 3, 2014. The motion will be uploaded to ECF on or before the return date of December 26, 2014, along with any opposition and reply thereto.

On June 20, 2014, a Summons was issued by the Clerk's office as to John Doe, Nochum Friedman, Abraham Joseph, KJ Acres, LLC, KY Motel, Kym Lad LLC, Steven Milligram, Siman Tov Associates, and the Village of Monroe.

Mr. Goldstein filed his First Amended Complaint on September 19, 2014 (in the "pro se drop box" after business hours).

On or about November 10, 2014, two (2) sets of documents were left on the doorstep of 82 Forest Road, Monroe, NY, at which Mr. Friedman resides in Unit 302. The documents

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12/10/2014

**COHEN, LaBARBERA & LANDRIGAN, LLP**  
**ATTORNEYS AT LAW**

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Hon. Nelson S. Román, U.S.D.J.

December 1, 2014

Re: KJ Acres LLC v. Yitschak Goldstein; Yitschak Goldstein v. Abraham Joseph, et al

USDC SDNY Case No. 14 CV 4477, 4479, 4480

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comprised a conformed cover letter dated November 3, 2014 from Mr. Goldstein (without any addressee listed), the First Amended Complaint, along with a Summons hand-marked "Amended Summons" (which also did not indicate the specific person being served), the Notice of Removal of the Summary Proceeding, and the Notice of Removal, Notice of Pendency and Summons and Complaint in the Supreme Court Action. Copies of the letter and purported Summons are attached for the Court's convenience.

**It is unclear to whom such documents were addressed to. As of this date, Mr. Goldstein has not filed any Affidavits of Service with respect to the purported service. Mr. Goldstein is purportedly suing Mr. Friedman along with KJ Acres, LLC, KY Motel, and Kym Lad, LLC (all affiliated with Mr. Friedman). To the best of our knowledge, the Secretary of State has not been served on behalf of any of KJ Acres, LLC, KY Motel, or Kym Lad, LLC.**

The documents were not delivered personally to Mr. Friedman, nor to a member of his family, nor to a "person of suitable age and discretion" at Mr. Friedman's residence. No subsequent copies were mailed to the defendants.

To the extent Mr. Goldstein would claim service has been effected on Mr. Friedman and/or any of KJ Acres, LLC, KY Motel, or Kym Lad, LLC, service was not properly effected by personal delivery, service was not completed by a subsequent mailing, and an insufficient number of copies were served.

Additionally, on or about November 12, 2014, five (5) identical sets of documents were hand delivered to Cindy Charest, Office Administrator of Cohen, LaBarbera & Landrigan, LLP. Ms. Charest has never been authorized to accept service of process on behalf of Ronald J. Cohen, Stephen P. LaBarbera, Thomas C. Landrigan, or the undersigned.

To the extent Mr. Goldstein would claim service has been effected on Cohen, LaBarbera & Landrigan, LLP, Ronald J. Cohen, Stephen P. LaBarbera, Thomas C. Landrigan, or the undersigned, Mr. Goldstein has not filed any Affidavits of Service with respect to the purported service.

Pursuant to FRCP Rule 4(a)(1), "A summons must... (B) be directed to the defendant." Mr. Goldstein's purported summons is not. It is completely unclear as to whom it is directed, and upon whom he intended service to have been made.

Rule 4(e) requires that an individual be served by (1) following state law...; or (2)(A) delivering a copy of the summons and of the complaint to the individual personally; (B) leaving a copy... at the individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there; or (C) delivering a copy to each to an agent authorized by appointment or by law to receive service of process.

Clearly, no service has been effected upon any of Mr. Friedman or any of KJ Acres, LLC,

**COHEN, LaBARBERA & LANDRIGAN, LLP**  
**ATTORNEYS AT LAW**

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Hon. Nelson S. Román, U.S.D.J.

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KY Motel, or Kym Lad, LLC, nor upon any of Cohen, LaBarbera & Landrigan, LLP, Ronald J. Cohen, Stephen P. LaBarbera, Thomas C. Landrigan, or Stuart Thalblum. **One hundred sixty three (163) days have passed since the issuance of the Summons, and Mr. Goldstein has not yet effected service on any defendant.**

To the extent Mr. Goldstein would claim service has been effected on any defendants, Cohen, LaBarbera & Landrigan, LLP, Ronald J. Cohen, Stephen P. LaBarbera, Thomas C. Landrigan and Stuart Thalblum intend to file a Motion to Dismiss the Complaint against them, in that the First Amended Complaint fails to state a claim against any of them.

Defendants Nuchem Friedman, KJ Acres, LLC, KY Motel, and Kym Lad, LLC intend to file a Motion to Dismiss the Complaint or for Summary Judgment, based on (1) Mr. Goldstein's breach of the stipulation entered into before the Justice Court and contempt of the Justice Court's instructions; (2) two prior arbitration rulings by the Beis Din bar Mr. Goldstein's claims under the doctrines of res judicata; (3) Mr. Goldstein's claims are unsustainable under the applicable Statute of Frauds and Statute of Limitations.

We request that the Court compel Mr. Goldstein to properly proceed with the Federal Action or dismiss the same for failure to properly effect service, and stop wasting the Court's time. As his claims are unsustainable, Mr. Goldstein's true objective is to frustrate a permanent resolution of Mr. Goldstein's occupation of the Premises without paying any rent.

Respectfully yours,

Stuart Thalblum

Stuart Thalblum

ST/cr

cc: Yitschak Goldstein (via e-mail to [ylondo30@gmail.com](mailto:ylondo30@gmail.com))  
Bernard Weinreb, Esq., Counsel to Joseph Kunstlinger and Joseph Kunstlinger, P.C. (via e-mail to [boruchw@cs.com](mailto:boruchw@cs.com))  
Joseph Taub, Esq., Counsel for Abraham Joseph and affiliated entites (via e-mail to [Joetaub@gmail.com](mailto:Joetaub@gmail.com))

**YITSCHAK GOLDSTEIN**

131 Acres Road  
Monroe, N.Y., 10950  
(845) 783-4480

November 3, 2014

**Notice**

RE: Goldstein v. Joseph, et al., 14-CV-4477 (NSR-PED);

Dear,

Please take notice of the following related actions pending in the same Court as the above referenced action, enclosed please find copies of;

Summons and Complaint 14-cv-4477;

Notice of removal and complaint for 14-cv-4480 Goldstein v. Joseph et al;

Notice of removal 14-cv-4479 KJ Acres LLC v. Yitschak Goldstein.

These related cases are currently pending in the same District Court in White Plains, in front of the Honorable Judge Nelson S. Roman, and Honorable Magistrate Judge Paul E. Davison.

Respectfully,

S/

Yitschak Goldstein

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

Yitschak Goldstein

Plaintiff

v.

Civil Action No.

7:14 cv 4477 (NSR)

Abraham Joseph et al.

Defendant

See attached

AMENDED

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

YITSCHAK GOLDSTEIN  
131 ACRES RD # 201  
MONROE N.Y. 10950

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: OCT 30 2014

[Signature]  
Signature of Clerk or Deputy Clerk  
CLERK

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**Plaintiff**

YTTSCHAK GOLDSTEIN

131 Acres Road, Unit 201,

Monroe, NY 10950.

845-783-4480

**Defendants**

ABRAHAM JOSEPH

49 Keep Street,

Brooklyn, NY 11211

NOCHUM FRIEDMAN

82 Forest Road,

Monroe, NY 10950

SIMAN TOV ASSOCIATES,

50 Satmar Drive,

Monroe, NY 10950

SIMAN TOV LLC,

50 Satmar Drive,

Monroe, NY 10950

KJ ACRES LLC

82 Forest Road,

Monroe, NY 10950.

KYM LAD LLC

82 Forest Road,

Monroe, NY 10950.

**KY MOTEL**

11173 Ocotillo Road,

Desert Hot Springs,

California, 92240

and

Post Office Box 728,

Monroe, NY 10950

**131 ACRES RD CONDOMINIUM**

a/k/a 131 ACRES RD CONDO

82 Forest Road

Monroe, NY, 10950

**JOSEPH KUNSTLINGER**

235 North Main Street, Suite 2,

Spring Valley, NY 10977-4014.

**JOSEPH KUNSTLINGER P.C.**

235 North Main Street, Suite 2,

Spring Valley, NY 10977-4014.

**STUART THALBLUM**

40 Matthews Street, Suite 203,

Goshen, New York 10924.

**RONALD J. COHEN**

40 Matthews Street, Suite 203,

Goshen, New York 10924.

**STEPHEN P. LABARBERA**

40 Matthews Street, Suite 203,

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Goshen, New York 10924.

THOMAS C. LANDRIGAN  
40 Matthews Street, Suite 203,  
Goshen, New York 10924.

COHEN, LABARBERA,  
LANDRIGAN, LLP  
40 Matthews Street, Suite 203,  
Goshen, New York 10924.

~~STEVEN MILLIGRAM~~  
~~One Corwin Court,~~  
~~Newburgh, NY 12550.~~

ASHEL BEAR SHEVA LLC  
P. O. Box 728  
Monroe, New York, 10949

ATTORNEY GENERAL OF  
THE STATE OF NEW YORK  
120 Broadway,  
New York, NY 10271

ABRAHAM SRUGO  
131 Acres Rd. Unit 301  
Monroe, NY 10950

YOSST'S CAFE &  
RESTAURANT INC.  
131 Acres Rd. Unit 111  
MONROE, NY 10950



**Stuart Thalblum**

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**From:** Stuart Thalblum <st2@frontiernet.net>  
**Sent:** Monday, December 01, 2014 6:47 PM  
**To:** 'ylondo30@gmail.com'; 'boruchw@cs.com'; 'Joetaub@gmail.com'  
**Subject:** KJ v. Goldstein; Goldstein v. Joseph, USDC SDNY Case Nos. 14 CV 4477, 4479, 4480  
**Attachments:** LT Court 12-1-14 wth attachments.pdf

Please see attached letter to Judge Roman.

Cordially,

Stuart Thalblum  
Of Counsel  
Cohen, LaBarbera & Landrigan, LLP  
40 Matthews Street  
Suite 203  
Goshen, NY 10924  
845-291-1900  
Fax: 845-291-8601

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